

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

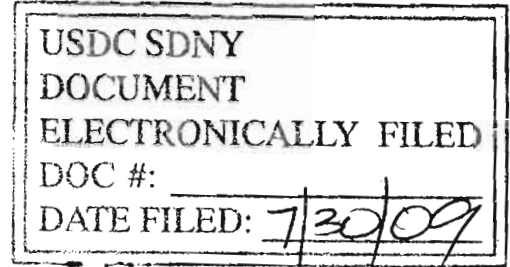
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3COM CORPORATION,

Plaintiff,

-v-

CAPITAL 4, INC., F. DAVIS DAWSON,
and ISH VILLA-LOBOS,

Defendants.
-----x



07 Civ. 8707 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

The individual defendants, F. Davis Dawson and Ish Villa-Lobos, move for partial summary judgment in their favor on Count XI of the Complaint, which asserts a claim for piercing the corporate veil and finding the individual defendants personally liable for the alleged fraud perpetrated against plaintiff 3COM. Plaintiff cross-moves to amend the Complaint to add a claim for defamation against defendant Dawson. For the reasons stated from the bench, see transcript, 7/23/09, the Court hereby denies plaintiff's motion to amend the Complaint and hereby grants the motion for summary judgment in favor of the individual defendants. Accordingly, the individual defendants are hereby dismissed from the case since there are no longer any remaining claims against them. The Clerk of the Court is directed to close document number 99 on the docket of this case. The parties are reminded that trial of the remaining claims will commence on August 24, 2009 at 9 AM.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
July 27, 2009